

## Message Text

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51

ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 L-03 ARA-16 H-03 TRSE-00

A-01 SPC-03 DRC-01 /084 W  
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R 071713Z JAN 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 6844

INFO AMCONSUL HAMILTON

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E.O. 11652: N/A

TAGS: ETRN, UK

SUBJ: CIVAIR - PRECLEARANCE AGREEMENT

REF: STATE 1284

1. EMBOFF TALKED WITH JOHN PHILIP, CARIBBEAN DEPARTMENT, FCO, CONCERNING STATUS BERMUDA PRECLEARANCE AGREEMENT. HE SAID PRESENT TEXT DOES NOT ADDRESS WHAT UK REGARDS AS VITAL POINT OF PASSENGER'S RIGHT TO BE ABLE TO DECLINE PRECLEARANCE IF HE SO WISHES. BRITISH CONCERN IS WITH ISSUE OF FORCING UK CITIZENS TO SUBMIT TO SEARCH BY US AUTHORITIES IN UK TERRITORY. PHILIP SAID PASSENGER'S RIGHT TO DECLINE PRECLEARANCE IS REGARDED BY GOVERNMENT AS POLITICALLY ESSENTIAL IF MINISTERS ARE TO BE ABLE TO DEFEND AGREEMENT ON FLOOR OF PARLIAMENT. HE SAID UK RECOGNIZES THAT A NON-CLEARED PASSENGER COULD NOT TRAVEL ABOARD A PRECLEARED FLIGHT BUT WANTS AGREEMENT MAKE EXPLICIT PASSENGER'S RIGHT TO CHOOSE TO OPT OUT OF PRECLEARANCE AND TRAVEL ABOARD A PCST-CLEARED SERVICE. ABSENT INSTRUCTIONS TO DO SO, WE DID NOT ASK PHILIP WHETHER UK WOULD INSIST THAT AIRLINES ACTUALLY OPERATE A REGULARLY SCHEDULED NON-CLEARED SERVICE OR WHETHER IT WOULD

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MERELY SETTLE FOR LANGUAGE IN AGREEMENT SPELLING OUT

PRECLEARANCE/POST-CLEARANCE OPTION AND NOT CONCERN ITSELF WITH WHETHER A POST-CLEARED SERVICE ACTUALLY OPERATES.

2. PHILIP SAID HE HAD LETTER FROM DEPUTY GOVERNOR OF BERMUDA SAYING US CONGEN BERMUDA HAD BEEN INFORMED BY DEPARTMENT THAT POST-CLEARANCE ISSUE HAD BEEN RESOLVED IN TALKS BETWEEN EMBASSY LONDON AND FCO. HE ASKED AND WE AGREED THIS WAS NOT THE RESULT OF OUR DISCUSSION OF ISSUE LAST JULY (SEE LONDON 8397).

3. PHILIP SAID HE WAS ALSO CONCERNED ABOUT NEW ARTICLE 3 RECENTLY ADDED TO TEXT. PROBLEM WITH ARTICLE 3 IS THAT THERE MAY BE ACTS COMMITTED IN UK TERRITORY WHICH MAY BE OFFENCES UNDER US LAW BUT WHICH MAY NOT BE OFFENCES UNDER UK LAW. HE SAID HE HAD ASKED FOR AND WAS STILL AWAITING LEGAL ADVICE ON WHETHER UKG COULD ACCEPT NEW ARTICLE.

SOHM

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AVIATION AGREEMENTS, FLIGHT CLEARANCES, AIR SAFETY REGULATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 07 JAN 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** morefirh  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974LONDON00210  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
**From:** LONDON  
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**Line Count:** 81  
**Locator:** TEXT ON-LINE  
**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** STATE 1284  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** morefirh  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 20 JUL 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <20-Jul-2001 by maustmc>; APPROVED <20 MAR 2002 by morefirh>  
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30 JUN 2005

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**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVAIR - PRECLEARANCE AGREEMENT  
**TAGS:** ETRN, UK  
**To:** STATE  
**Type:** TE  
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